Remarks

Claims 1-3, 5-10, 12-17, 19-21, and 23-27 remain pending in the present application with claims 1, 8, and 15 in independent form. Independent claims 1, 8, and 15 are currently amended. Dependent claims 26 and 27 are currently added as new claims. Support for new claims 26 and 27 can be found throughout the detailed description and the figures and the Applicant respectfully asserts that no new matter is being introduced.

Claims 1-3, 5-10, 12-17, 19-21, and 23-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,752,345 to Bright et al. (hereinafter Bright et al.). Claims 1-3, 5-10, 12-17, 19-21, and 23-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bright et al. in view of U.S. Patent No. 6,079,160 to Bonds.

The Applicant respectfully asserts that independent claims 1, 8, and 15, as amended, are novel over Bright et al. First, as amended, independent claim 1 claims that the first region includes "a plurality of apertures each having a common first configuration…to define a first repeating pattern" and that the second region includes "a plurality of transverse slits each having a common second configuration distinct from said common first configuration of said apertures….to define a second repeating pattern" (emphasis added). Because the apertures of the first region have the common first configuration and the transverse slits of the second region have a common second configuration distinct from the common first configuration, the first repeating pattern of the first region is different than the second repeating pattern of the second region. Further, amended independent claim 1 claims that the first repeating pattern is "disposed only within said first region," and that the second repeating pattern is "disposed only within said second region." In other words, the plurality of apertures are defined only on the first region and not on the second region. Likewise, the plurality of transverse slits are defined only on the second region and not on the first region. The Applicant respectfully asserts that Bright et al. fails to teach these elements. In contrast, Bright et al. discloses a sealing strip 12 having a metal carrier 22 defining a repeating pattern of slots 30, 32, 34, 36. The same pattern of the slots 30, 32, 34, 36 repeats along the length of the metal carrier 22 as opposed to having

apertures of a common first configuration only within the first region and transverse slits of a common second configuration only within the second region, as claimed in amended claim 1. Since Bright et al. fails to teach these elements, the Applicant respectfully asserts that independent claim 1, as amended, is novel over Bright et al.

With respect to amended independent claim 8, this claim is amended to claim that the carrier is U-shaped as defined by a base and two spaced legs extending therefrom. The base and the legs each have a first region having a first length and a first width and a second region having a second length and a second width. The first region includes "a plurality of apertures having a common size and shape and being spaced a first distance along said first length and being spaced along said first width to define a first repeating pattern." The second region includes "a plurality of transverse slits being spaced from each other along a second distance along a second length different than said first distance to define a second repeating pattern." Because the apertures of the first region are spaced a first distance along the first length and are spaced along the first width and because the transverse slits of the second region are spaced a second distance along the second length, the first repeating pattern of the first region is different than the second repeating pattern of the second region. Further, as set forth above, amended independent claim 8 claims that the first repeating pattern is "disposed only within said first region," and that the second repeating pattern is "disposed only within said second region." The Applicant respectfully asserts that Bright et al. fails to teach these elements. In contrast, as set forth above, Bright et al. discloses a sealing strip 12 having a metal carrier 22 defining a repeating pattern of slots 30, 32, 34, 36 that repeats along the length of the metal carrier 22. Further, the slots 32 shown in Figures 9 and 10 of Bright et al., which the Examiner identifies as the "apertures" in the present claims, are not spaced along the width of the base or leg of the carrier 22. Further, the Applicant respectfully asserts that none of the slots 30, the slots 34, or the slots 36, respectively, are spaced along the width of a base or a leg of the carrier 22 of Bright et al. Since Bright et al. fails to teach this element, the Applicant respectfully asserts that independent claim 8, as amended, is novel over Bright et al.

Further, the Applicant respectfully asserts that Bright et al. fails to teach each and every element of independent claim 15, as amended. Independent claim 15 is currently amended to claim that the first region includes "a plurality of apertures having a first width along said first length to define a first repeating pattern." The second region includes a plurality of transverse slits "having a second width along said second length different than said first width of said apertures to define a second repeating pattern." Because the apertures of the first region have a first width along the first length and because the transverse slits have a second width along the second length, the first repeating pattern of the first region is different than the second repeating pattern of the second region. Further, amended independent claim 15 claims that the first repeating pattern is "disposed only within said first region," and that the second repeating pattern is "disposed only within said second region." The Applicant respectfully asserts that Bright et al. fails to teach these elements. In contrast, as set forth above, Bright et al. discloses a sealing strip 12 having a metal carrier 22 defining a repeating pattern of slots 30, 32, 34, 36 that repeats along the length of the metal carrier 22. Since Bright et al. fails to teach this element, the Applicant respectfully asserts that independent claim 15, as amended, is novel over Bright et al.

Finally, with respect to the rejection under §103(a) as being unpatentable over Bright et al. in view of Bonds, the Applicant respectfully asserts the invention of amended independent claims 1, 8, and 15 would not have been obvious to a person having ordinary skill in the art. First, the Applicants respectfully assert that the combination of Bright et al. and Bonds fails to teach, or even suggest, all of the claim limitations of independent claims 1, 8, and 15. With respect to each of independent claims 1, 8, and 15, as amended, the Applicants respectfully assert that the combination of Bright et al. and Bonds fails to teach, or even suggest, a first repeating pattern and a second repeating pattern that is different than the first repeating pattern as specifically claimed in amended independent claims 1, 8, and 15. Further, the Applicants respectfully assert that the combination of Bright et al. and Bonds fails to teach, or even suggest, a first repeating pattern that is "disposed only within said first region," and a second

repeating pattern that is "disposed only within said second region." In contrast, both Bright et al. and Bonds disclose carriers defining a repeating pattern of slots that repeats along the length of the carriers.

Further, as set forth in the Summary of the Invention of Bright et al., the slots 30, 32, 34 allow the metal carrier 22 to bend about multiple axes. Because the pattern of slots 30, 32, 34 repeats along the entire length of the metal carrier 22, the metal carrier 22 bends about these multiple axes at any point along the length of the metal carrier 22. In contrast, independent claims 1, 8, and 15, as amended, claim regions having different repeating patterns to define different flexibility. As opposed to being flexible along the entire length of the metal carrier 22 in Bright et al., the present invention includes one region that can be relatively rigid, i.e., does not flex, and the other region can be relatively flexible. Specifically, as set forth in paragraph [0021] of the present application, the first longitudinally extending region is relatively rigid and the apertures 34, 64, 74, achieve "intimate bonding between the carrier or core 30 and the molded or extruded elastomeric material 40." The second longitudinally extending region is relative flexible so that the weatherstrip assembly 20 can be bent at the second longitudinally extending region to conform to the window opening 16. For these reasons, the Applicant respectfully asserts the invention of amended independent claims 1, 8, and 15 would not have been obvious to a person having ordinary skill in the art.

In view of the foregoing, it is respectfully submitted that amended independent claims 1, 8, and 15, and the claims that depend therefrom, are both novel and non-obvious such that these claims are in condition for allowance, which allowance is respectfully requested. Although no fees are believed to be due at this time, the Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

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